

MILITARY SERVICE

Exchange of notes at Washington April 3 and May 14 and 31, 1943
Entered into force May 15, 1943
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57 Stat. 982; Executive Agreement Series 325

The Secretary of State to the Salvadoran Minister

DEPARTMENT OF STATE
WASHINGTON
April 3, 1943

SIR:

I have the honor to refer to conversations which have taken place between officers of the Salvadoran Legation and of the Department with respect to the application of the United States Selective Training and Service Act of 1940,² as amended, to Salvadoran citizens residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain nationals of cobelligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of their own country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service

¹ Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

² 54 Stat. 885.

Act of 1940, as amended, who are nationals of cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. This Government is also prepared to afford to nationals of cobelligerent countries who have not declared their intention of becoming American citizens who may already be serving in the armed forces of the United States an opportunity of electing to transfer to the armed forces of their own country. The details of the arrangement are to be worked out directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the Salvadoran Government. It should be understood, however, that in all cases a person exercising an option under the arrangement must actually be accepted by the military authorities of the country of his allegiance before his departure from the United States.

Before the above-mentioned procedure will be made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his Government desires to avail itself of the procedure and in so doing agrees that:

(a) No effort will be made by his Government to induce any person in the United States to enlist in the forces of his or any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his Government; that is, prior to induction in the armed forces of his Government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his Government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his Government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Republic of El Salvador upon the receipt from you of a note stating that your Government desires to participate in it and

agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept Sir, the renewed assurances of my highest consideration.

For the Secretary of State:
G. HOWLAND SHAW

The Honorable
Señor Dr. DON HECTOR DAVID CASTRO,
Minister of El Salvador.

The Salvadoran Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF EL SALVADOR
WASHINGTON

MAY 14, 1943

SIR:

I have the honor to refer to Your Excellency's kind note of April 3 last, as well as to previous conversations that have been held between officials of this Salvadoran Diplomatic Mission and of the Department of State with respect to the application to Salvadoran citizens, resident in the United States, of the Selective Training and Service Act of the United States of 1940.

My Government has studied with all attention the content of Your Excellency's kind note, in which is detailed a proposed arrangement which can solve completely the problem of transfers of nationals of our respective countries to the army of their own flag, in substitution for the service which they might render, or are already rendering, in the army of the country in which they reside; and I have received instructions from my Government to accept in all its parts the arrangement proposed in Your Excellency's kind note.

The procedure suggested in the said note to which I refer rests on the following bases:

"The Selective Training and Service Act of the United States of 1940 provides that, with certain exceptions, every male citizen of the United States and every other male domiciled in the United States, between the ages of eighteen and sixty-five, must be registered. The Act provides, further, that, with certain exceptions, males registered between certain specified age limits, are subject to active military service in the armed forces of the United States.

"The Government of the United States of America recognizes that from the point of view of the morale situation of the individuals mentioned and the primordial military effort of the nations at war with the Axis powers, it would be desirable to permit certain nationals of the co-belligerent countries, who are now registered or who may be registered under the Selective Training and Service Act of 1940, to enlist in the armed forces of their own country, if they

so desire. It will be recalled that during the World War the United States Government signed conventions with various associated powers on this subject. The United States Government believes, nevertheless, that under the present circumstances, the same purpose may now be attained by administrative action, thus avoiding the delays resulting from the signing and ratification of conventions.

"The United States Government is prepared, consequently, to initiate a procedure to permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, and who are nationals of co-belligerent countries and who have not declared their intention of becoming United States citizens, to choose to serve in the forces of their respective countries instead of serving in the forces of the United States, on any date anterior to their enrolment in the armed forces of the United States. The Government of the United States is also prepared to offer to nationals of co-belligerent countries, who have not declared their intention of becoming citizens of the United States and who are now serving in the armed forces of the United States, an opportunity to elect their transfer to the armed forces of their own country. The details of the arrangement are to be agreed upon directly between the War Department and the Selective Service System, on the part of the Government of the United States, and the respective authorities of the Salvadoran Government. It must be understood, nevertheless, that in all cases in which a person exercises the option contemplated in this arrangement, such option must be accepted by the military authorities of the government of his nationality before his departure from the United States is permitted."

In accordance with the bases which have just been copied, Your Excellency informs me, in the same note of April 3, that before the above-mentioned procedure comes into force between our two Governments, the Department of State desires to receive from the undersigned, as Diplomatic Representative of El Salvador in the United States, a note declaring that the Government of El Salvador desires to avail itself of the same procedure and that, on doing so, it agrees to the following:

(a) "No effort shall be made by the Government of El Salvador to induce any person in the United States to enlist in its own forces or in those of any foreign Government;

(b) "Reciprocal treatment shall be granted by the Government of El Salvador to the citizens of the United States of America, that is, prior to the enrolment in the armed forces of their Government, they shall be offered the opportunity to elect service in the armed forces of the United States in a manner substantially like that above described. Furthermore, the Government of El Salvador agrees to inform all citizens of the United States who are serving in its armed forces, as well as former citizens of the United States who may have lost their nationality as a result of having taken an oath of loyalty on en-

listing in such armed forces, in which they are serving, that they can now be transferred to the armed forces of the United States, if they so desire and on condition that they are acceptable to the armed forces of the United States. The arrangements for making such transfers are to be made between the corresponding representatives of the armed forces of our respective Governments;

(c) "The Government of El Salvador shall not accept any enlistment in the United States of citizens of the Federal Union, subject to registration there, nor of aliens of any nationality who have declared their intention of becoming citizens of the United States and who are subject to registration."

Your Excellency informs me furthermore, in the same note of April 3 last, that the Government of the United States is prepared to make the arrangement thus proposed effective immediately, with respect to the Republic of El Salvador, upon receiving from the undersigned a note declaring that the Government of El Salvador desires to participate in it and that it agrees to the stipulations detailed in the paragraphs lettered (a), (b), and (c), given above.

In execution of the instructions which I have received, I have the honor to inform Your Excellency that my Government desires to participate in the arrangements above detailed and that it agrees expressly to the stipulations detailed in paragraphs lettered (a), (b), and (c), already copied in this note.

In connection with the paragraph lettered (a), my Government reserves to its legislative power the right to extend to aliens the military service obligations, which at present are required only of Salvadoran citizens. This clarification is made with a view to legislative changes which may be necessitated by the present war situation; and it is to be noted that the same clarification accentuates the reciprocity established in the arrangement.

I renew to Your Excellency the assurances of my highest consideration.

HÉCTOR DAVID CASTRO

His Excellency CORDELL HULL,
Secretary of State,
Washington, D.C.

DE-187
A-820

The Secretary of State to the Salvadoran Ambassador

DEPARTMENT OF STATE
WASHINGTON
May 31, 1943

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of May 14, 1943 in which you state that your Government desires to enter into the agreement proposed in my note of April 3, 1943 concerning the services

of nationals of one country in the armed forces of the other country. You state that you have received instructions from your Government to accept in all its parts the arrangement proposed in my note of April 3, 1943 and that your Government desires to participate in the arrangements detailed therein and agrees expressly to the stipulations detailed in paragraphs (a), (b), and (c) of the note of April 3, 1943. You also state that in connection with the paragraph lettered (a), your Government reserves to its legislative power the right to extend to aliens the military service obligations, which at present are required only of Salvadoran citizens.

I take pleasure in informing you that this agreement is now considered by this Government as having become effective on May 15, 1943, the date on which your note under acknowledgment was received in the Department. The appropriate authorities of this Government have been informed accordingly, and I may assure you that this Government will carry out the agreement in the spirit of full cooperation with your Government.

With reference to the penultimate paragraph of your note under reference, this Government has taken note that the Government of El Salvador reserves its rights to extend to aliens in El Salvador the military service obligations which at present are required only of Salvadoran citizens.

It is suggested that all the details incident to carrying out the agreement be discussed directly by officers of the Embassy with the appropriate officers in the Selective Service System and the War Department. Lieutenant Colonel S. G. Parker, of the Selective Service System, and Lieutenant Colonel V. L. Sailor, of the Recruiting and Induction Section, Adjutant General's Office, War Department, will be available to discuss questions relating to the exercise of the option prior to induction. The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of non-declarant nationals of El Salvador, who may have been serving in the Army of the United States on the effective date of the agreement, and who desire to transfer to the Salvadoran forces, may be discussed.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

His Excellency

Señor Dr. DON HECTOR DAVID CASTRO,
Ambassador of El Salvador.